

DEPARTMENT OF COMMERCE

6

~~Complaints and Prosecutions.~~

~~Strand Case.~~

On Sunday, August 8, 1915, William Strand, of Haines, was found operating a gill net <sup>one of the</sup> at Chilkat Island. ~~The matter was reported to the United States Attorney at Juneau and a warrant secured.~~ The case was tried before the U. S. Commissioner's court <sup>at Juneau</sup> on August 26. The defendant pleaded hunger as the reason for fishing on Sunday and the jury returned a verdict of not guilty. It would seem that in this case the jury exceeded its authority in returning a verdict of not guilty inasmuch as the defendant had pleaded guilty. It should have been the function of the court, not of the jury, to determine the penalty.

DEPARTMENT OF COMMERCE

*Working copy  
June 16, 1915* (7)

The charge against the Irving Packing Company for having had a fish trap in operation on Sunday, June 28, 1914, was presented to the Grand Jury at Juneau in January, 1915, and a true bill was returned. On February 15, 1915, a representative of the company appeared in answer to the summons. It was then found that the indictment was in error in charging the offenders to be a corporation, whereas they were only a copartnership. To settle the matter promptly, the United States Attorney filed a complaint in the U. S. Commissioner's court; and the representative of the firm pleading guilty, a fine of \$50 and costs amounting to \$2.85 were imposed.

DEPARTMENT OF COMMERCE

8

A complaint was made by Frank Dandey charging an Indian crew with laying a net illegally across Sarkar Cove, west coast of Prince of Wales Island. The case was tried in ~~a~~ ~~the~~ U. S. Commissioner's court at Craig on August 4, 1915. The defendants denied the charge and evidence in their favor being adduced they were discharged.

(9)

The Ihlinket Packing Company ~~has~~  
appealed the case decided against it at Juneau  
in the fall of 1914 for not closing certain  
fish traps in accordance with the weekly  
close period requirement of law. The appeal  
is still pending.

DEPARTMENT OF COMMERCE

*Handwritten:* H-2 R-11 18  
#10268

In the main the fisheries laws and regulations were fully *well* observed in the Bristol Bay region. The cannerymen expected that there would be a very poor run and were undoubtedly anxious to pack all the fish possible. There <sup>*were indications*</sup> ~~was evidence~~ of some waste of dog salmon but evidence could not be obtained as to who were responsible. Two nets were seized by a warden patrolling the closed waters of Wood and Nushagak Rivers but as the owners of them could not be found no complaints were filed. The nets were tied across the mouths of two small streams tributary to the Nushagak River.

DEPARTMENT OF COMMERCE

19

A complaint was made by residents of Olness in regard to a fish trap in the Chat<sup>a</sup>znika River. An investigation by Warden C. F. Townsend disclosed that a fish trap had been placed in the river for the purpose of taking whitefish. At the time the trap was constructed the water was high and the trap extended only about one-third of the way across the stream. After the water became low, however, the trap extended entirely across the stream. When Mr. Townsend arrived on the ground ice had destroyed the main body of the trap. The owners having been <sup>notified</sup> ~~advised~~ in regard to the requirements of the law, the matter was dropped in accordance with the advice of the United States Attorney.

DEPARTMENT OF COMMERCE

20

A complaint was made by Warden W. P. Hemenway against Alec Simpson, Ben Cutler and Fred Douse for having wantonly wasted fish at Birch Lake on August 8, 1915. The defendants appeared in the U. S. Commissioner's court at Fairbanks, September 1, 1915, without service of a warrant, and entered a plea of guilty. The court imposed a fine of \$1 each and costs. It was estimated that the waste involved about 600 pounds of pickerel.